



Volume 43 | Issue 3 Article 6

August 1989

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Recommended Citation

Moltz, Sandy (1989) "Federal Procurement Policy Could Effect Libraries," *Sci-Tech News*: Vol. 43: Iss. 3, Article 6. Available at: http://jdc.jefferson.edu/scitechnews/vol43/iss3/6

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Federal Procurement Policy Could Effect Libraries

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On November 17, 1988, Congress enacted the Office of Federal Procurement Policy Act Amendments of 1988, which goes into effect July 16, 1989. This Act was the result of Operation Ill Wind, the investigation of government contractors obtaining proprietary information about competitors and/or source selection government information regarding proposals on which they were bidding.

Among its provisions, the new Act prohibits any government contractor from soliciting or obtaining, directly or indirectly, from a government agency prior to the award of a contract any proprietary or source selection information regarding such procurement. Also, this information cannot be disclosed to any person other than a person authorized by the head of the agency or the contracting officer.

The types of information described in the Act are: proprietary information such as that pro-

duced by a government contractor (e.g. a bid or proposal, cost or pricing data and source selection information), or such as produced by the procuring government agency (e.g. technical evaluations of competing proposals, source selection plans, rankings).

The act could have a potential impact on libraries in the following way: libraries will have to keep accurate records regarding the source of information received, especially reports by competitors. Also, libraries will have to be more vigilant about reports donated by other employees to verify that this information is something that can be received. A worrisome impact may be that by only allowing the head of an agency or the contracting office to release information it may cause a logiam so that information that should be released will end up stuck in the approval process beyond the period of its usefulness.

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